

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

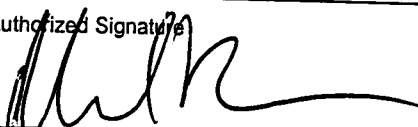
For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name City of Newport Beach		County Orange	
Authorized Signature 		Title Acting General Services Director	
Type/Print Name of Person Signing Michael Pisani	Date July 15, 2005	Phone (949) 644-3055	
Person Completing This Form (please print or type) Jeremy Hammond		Title Administrative Analyst	
Phone (949) 644-3057	E-mail Address jhammond@city.newport-beach.ca.us	Fax (949) 650-0747	
Mailing Address 3300 Newport Blvd.	City Newport Beach	State Ca	ZIP Code 92658

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _2003, 2004, 2005_____

Is this a second request? ☒ No ☐ Yes Specific years requested. _____
(Note: Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years _ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ _____%, for the years _ _____.

(Note: Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

- 1. Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

The City of Newport Beach has a long history of successful waste diversion implementation efforts. In 1995, the City achieved a 51% diversion rate while the State diversion mandate was only 25%. Over the next seven years, the City continued to divert at least 40% of its refuse from disposal with a 2002 diversion rate of 52%. After calculating the 2003 diversion rate, it became apparent that the City's diversion had since dropped below the 50% diversion requirement and was calculated at 48%. There are a number of factors that have negatively affected the City's diversion rate, some of which the City had no control over.

In January 2002, the City of Newport Beach annexed the Newport Coast area from the County of Orange. Under a County of Orange franchise agreement, the Newport Coast area was serviced by Waste Management of Orange County (WMOC). After annexation, the City of Newport Beach gave WMOC a five year notice of intent to rebid the contract. Waste Management provides the Newport Coast area with automated refuse collection services consisting of separate containers for refuse and recyclables. While the recyclables were processed and recovered at a materials recovery facility, approximately 12,000 tons of refuse were historically taken to and processed at the Southeast Resource Recovery Facility (SERRF). In 2003, without notifying the City, Waste Management ceased its practice of processing Newport Coast waste at SERRF and began landfilling the entire amount of refuse previously transformed. Without the transformation credits, the City was instantly allocated an additional 12,000 tons of waste disposal annually, which had a negative impact of the City's waste diversion numbers.

In 2003, the City of Newport Beach amended its Municipal Code to strengthen the City's construction and demolition debris ordinance. The municipal code amendments allowed for the imposition of a demolition permit deposit fee that would only be refunded if the permittee notified the General Services Department prior to the commencement of demolition activities, so that the City could verify the usage of a franchised hauler. The fee, ranging in price from \$500 to \$1500, is imposed in addition to standard permit fees that are paid when a demolition permit is issued. Since recycling requirements are imposed on the franchised hauler through the City's non-exclusive franchise agreement, the ordinance forces the demolition permittee to use a franchised hauler who in turn is required to recycle, closing the recycling loop on construction and demolition projects in the City.

There was moderate confusion between the City and the demolition permittees after the initial passage of the ordinance and the implementation of the demolition permit deposit. For the first few months of the program, demolition permits were being pulled and deposits paid, however the permittees were not notifying the General Services Department prior to demolition so there was no way to verify which hauler was hauling the demolition debris and where the debris was being processed or disposed of. As the program progressed and some of the deposits were forfeited for failure to notify the Department prior to demolition, word got out and permittees began calling ahead of demolition activities. By late 2003, the demolition permit deposit program was working well and allowed the City to begin to get a better handle on the construction and demolition debris generated in the City. The City expects to yield a higher diversion rate from construction and demolition programs from the year 2004 forward.

In early 2005, the City met with WMOC and discussed its concerns regarding the lack of transformation credits and WMOC's failure to notify the City of its intent to cease transformation of Newport Coast waste. While Waste Management was apologetic for its failure to notify the City, the company had few excuses for lack of transformation except for the costs involved. The City is currently waiting for WMOC to devise an action plan to revive its ailing residential recycling rates in the Newport Coast area. Failure to increase these rates will force the City to seek a revocation of WMOC's franchise agreement for failure to comply with the terms of the agreement.

The City's commercial refuse collection operates on a non-exclusive franchise system. The 24 current franchise agreements expire in January 2006. The City, with the assistance of a solid waste consultant, is working on revising the existing agreement. It is anticipated that the new agreements will have more stringent recycling and reporting requirements and allow the City to better monitor the amounts of solid waste, including construction and demolition debris, that is collected. Increased monitoring of the new franchise agreements will allow the City to quickly respond to quarterly fluctuations in hauler diversion rates, including penalizing haulers for failing to meet the recycling requirements mandated by the franchise agreement.

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

The City of Newport Beach is requesting a three-year extension to ensure that the City can not only meet the 50% diversion requirement, but also to sustain the diversion requirement. As the year 2004 and half of 2005 have already passed, the City must take immediate action to positively affect the City's diversion rate. The City anticipates that there will be a large increase in diversion in the latter half of 2005 attained through increased recycling of the Waste Management Newport Coast account and as a result of increased monitoring of construction and demolition projects. Additionally, the franchise agreement modifications should result in increased commercial recycling beginning in 2006, although these results may not be realized until the 2007/8 review process.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

The City's current diversion rate, as reported in the 2003 Annual Report was 48%, down from 52% in the year 2002. The City continues to pay for material recovery facility (MRF) processing of all residential waste collected by City crews, yielding a 32% residential diversion rate.

4. Provide any additional relevant information that supports the request.

No additional information to be provided.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %		21	Non-residential %		79
PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/ LGCentral/PARIS/Codes/ Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
4060-SP-CAP Concrete/Asphalt/Rubble	Expand	A demolition permit deposit fee is imposed on all full scale demolition projects. The fee is not refunded until it is confirmed that the demolition debris was hauled by a franchised hauler. By forcing demolition projects to utilize franchised haulers, the City can confirm the diversion has occurred. The City expects to receive 150 demolition applications in 2004 and again in 2005 and to divert between 1,000 and 1,500 additional tons a month.	Privately Funded / Permit Fees	12/05	2%
8000-TR-WTE Waste-to-Energy	New	The City of Newport Beach will work with Waste Management of Orange County (WMOC) to resume the process of delivering waste from the Newport Coast area to SERRF in Long Beach. The City expects WMOC to deliver approximately 1,000 tons of refuse to SERF on a monthly basis.	General Fund/ Refuse Fees	12/05	1%
Total Estimated Diversion Percent From New and/or Expanded Programs					3%
Current Diversion Rate Percent From Latest Annual Report					48%
Total Planned Diversion Percent Estimated					51%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
Public Education	Expand	The City will expand its public education efforts. Currently, the City works with its residential MRF contractor to produce an annual brochure that describes its residential recycling programs. In addition, the City produces its own brochure in-house that describes all of the City's recycling programs. The circulation of this brochure will be increased to target all residences in the City. In addition, the City will begin to target its public education efforts at Construction and Demolition contractors. This public education effort will take place at the permit counter when a demolition permit is pulled and also through direct mailings to construction and demolition contractors.	12/05
2030-RC-OSP Commercial On-Site Pickup	Expand	The City's non-exclusive franchise expires in January, 2006 and is being rewritten to include additional recycling provisions to be imposed on commercial, industrial, and construction and demolition debris haulers. The new non-exclusive franchise agreement will also include more stringent reporting requirements allowing the City to better track waste flows.	Ongoing

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %			Non-residential %		
PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LG/Central/PARIS/Codes/Reduce.htm					
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at www.ciwmb.ca.gov/LGCentral/PARIS/.